

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

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In re Application of Koefelda, et al.

: DECISION OFFICE OF PETITIONS

Application No. 10/019,519

Filed: March 22, 2002

Atty. Dkt. No.: RPC0462PUSA

This decision is in response to the "PETITION TO REVIVE ERRONEOUSLY ABANDONED APPLICATION, "filed November 4, 2004. This matter is being treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is hereby GRANTED.

This application was held abandoned November 4, 2003, for failure to timely file a proper response to the Office communication mailed October 3, 2003. The Office communication set a one month shortened statutory period for reply. Notice of Abandonment was mailed September 29, 2004.

Petitioner argues that a response to the Office communication was timely submitted November 3, 2004 in accordance with the Certificate of Mailing procedures outlined at 37 CFR 1.8. Petitioner has included a copy of the response to the Office communication along with a return postcard dated November 7, 2003 by the UPSTO evidencing received of the response.

A review of the application file does not indicate receipt of the response purportedly submitted November 3, 2003, however, the response will be considered timely as it complies with the requirements of 37 CFR 1.8(b) in that (1) the Office was promptly informed of the previous timely mailing, (2) a copy of the previously submitted correspondence with certificate of facsimile thereon has been supplied, and (3) statements attesting to the previous timely mailing have been submitted.

In view of the above, the Notice of Abandonment is hereby VACATED and the Notice of Abandonment is WITHDRAWN.

This application is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310.

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Office of Petitions